

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KAYVAN MOHAMMAD OSKUIE,

Plaintiff,

v.

YAKUSH,

Defendant.

Case No. 1:24-cv-00128-BAM (PC)

**ORDER TO SUBMIT NON-PRISONER
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS OR PAY FILING FEE**

THIRTY (30) DAY DEADLINE

Plaintiff Kayvan Mohammad Oskuie (“Plaintiff”) is a civil detainee proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Individuals detained pursuant to California Welfare and Institutions Code § 6600 *et seq.* are civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act. *Page v. Torrey*, 201 F.3d 1136, 1140 (9th Cir. 2000).

Plaintiff has not paid the \$405.00 filing fee or submitted an application to proceed *in forma pauperis* on the appropriate form pursuant to 28 U.S.C. § 1915.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The Clerk of the Court shall send to Plaintiff the attached **non-prisoner** application to proceed *in forma pauperis*;
2. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file the attached application to proceed *in forma pauperis* for a **non-prisoner**, completed and

signed, or in the alternative, pay the \$405.00 filing fee for this action; and

3. **Plaintiff is warned that the failure to comply with this order will result in dismissal of this action, without prejudice.**

IT IS SO ORDERED.

Dated: **January 30, 2024**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE